

Full
Leased Wire
Dispatches

The Daily Capital Journal

Today's News
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ON TRAINS AND NEWS
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NOT ENGAGEMENT NOW IN PROGRESS NEAR BROWNSVILLE

With Infantry and Artillery
Villistas and Carranzistas
Battle

FEW HARMLESS BULLETS FALL ON AMERICAN SOIL

Conflict May Develop Into
Decisive Battle Before
Struggle Ends

Brownsville, Texas, April 13.—A hot engagement with both infantry and artillery engaged was in progress today between Villistas and Carranzistas near Matamoros, across the border from Brownsville.

General Navarro, second in command of General Villa's forces, was seriously wounded in the abdomen during the morning and was brought to the rear. Late this afternoon United States army officers permitted Mexicans to enter the general into Brownsville that no attention might be performed. A bullet fell on the American side of the border during the fighting, but in Brownsville proper, though some in some sections of the city were dismissed as a matter of precaution.

At the arrival of cannon for the Villista forces, the battle about Matamoros across the border from Brownsville was heard today. Heavy firing was heard during the morning. In some sections of the city, the engagement was reported to have developed into a decisive battle.

At the morning progressed a fearful artillery and infantry fire developed. Bullets flew near the border and reached not more than 3000 yards away. The left wing of the Villista army retired about two miles, leaving several dead and wounded on the field. The right wing of the Villistas met the army, advancing along a railroad, with heavy artillery fire. Early this afternoon the battle was still raging.

Window Cleaner Falls Ten Stories To Death

Portland, Or., April 13.—Plunging ten stories from the top floor of the Lipson-Wolfe building when the scaffolding from which he was cleaning windows gave way, Martin Sorenson, aged 37, was instantly killed shortly before noon today. The body in falling, narrowly missed striking J. Neidermahr, president of the American Window Cleaning company, his employer, who was standing on the sidewalk.

The left side of Sorenson's head was smashed, the fragments and his body being scattered over a space of several square feet.

From a dead person is able to hear when it talks.

Military Expert Is at Loss to Know What Russians Mean

By J. W. T. Mason, United Press Staff Correspondent.

New York, April 13.—The Russians are attempting to develop a new offensive in Bukovina, despite the fact that the campaign in the Carpathians is in its final stages and that, even if won, it will be followed by the concentration of additional men for an advance into Hungary.

The first intimation that the Slavs were about to make a new advance was contained in the official Vienna statement announcing that heavy artillery engagements were proceeding in Bukovina and in southwestern Galicia. Mystry's dispatches from the front indicate that the Russians have driven out of Bukovina and into southwestern Galicia, and are trying to recover the lost ground.

There are three possible reasons for this sudden activity:

First.—The Austro-Germans may have been called to weaken their forces in order to send reinforcements to the central Carpathians. The Russians may have concluded that the situation presented an opportunity to regain a foothold in Bukovina at small cost.

Second.—The Russian general staff

WASCO COUNTY IS OUT AGAIN TO WIN STATE FAIR HONORS

School Children Manifest Increased Interest In Industrial Fair Exhibits

As a result of a two weeks' tour in Wasco county, with County Superintendent Bonney, in which he visited the schools and addressed the industrial clubs, Field Worker Maris of the industrial fair department of the state department of education reports the club enrollment in Wasco county three times greater than last year and the enthusiasm correspondingly increased. He states that he finds splendid interest in the industrial club work and the club members, as well as Superintendent Bonney, all determined to retain the laurels won last year with their prize exhibit at the state fair.

"Superintendent Bonney will hold five local school fairs or contests in the county, four being at Mosier, Dufur, Tygh Valley and Antelope, prior to the state fair at The Dalles, where another local contest will be held for the benefit of those not adjacent to the other districts," says Mr. Maris. "The best of all these exhibits will be taken to the state fair and, unless the grasshoppers eat up the crops again this year, Mr. Bonney says there is no question about their winning first prize again. He will be willing to prepare another play and take a dozen and a half boys and girls with him to the state fair and furnish the entertainment at the auditorium one night."

"The two winning boys in the county will be again sent to the school camp. In each of the five local contests, the capital prize will be the same as the capital prize at the state fair, so that ten club winners from that county will have a free trip to the Oregon agricultural college summer school in 1916."

By darkening the windows, Mr. Maris says they succeeded in using the stereoscope and illustrating his lectures to the great satisfaction of the boys and girls, as well as their parents, many of whom were out at each school house visited through the day. They also attended the public meetings held each evening in the more central points.

Thieves Take Carpenter Tools From Moores House

A chest of valuable tools was broken into last night at the residence of A. N. Moores, now under construction on Cheneketa and Summer streets, and considerable plunder taken. R. R. Jones, of the Capital Builders, which firm has the contract, reported this morning to the police that three saws, two planes, a full set of new chisels, a steel square, an automatic drill and full set of bits, and some smaller articles were missing. The thieves tried to open a window and found the tools inside of the unfinished house. This is the second robbery of tools experienced by the Capital Builders and the owners are anxious to apprehend the miscreants.

PRIZEFIGHT PICTURES

Washington, April 13.—In a memorandum issued to postmasters responding to inquiries as to permitting newspapers containing prizefight pictures in the mails, the postoffice department today stated that such papers would be accepted and carried, but at the publishers' risk. The question arose as a result of the publication of pictures of the Johnson-Willard fight.

APPELLATE COURT MODIFIES VERDICT OF A TRIAL JURY

Three Justices Enter Vigorous Dissenting Opinions Upon Vastly Important Issue

DECLARE JURY'S ACTION TO BE HELD INVOLATE

Majority Holds Court Has Right of Re-Trial Where Error Shown

In an opinion for the majority of the court, representing Justices Moore, Bean, Eakin and McBride, and written by Justice McBride, the supreme court this morning set aside the judgment of the circuit court for Multnomah county in the case of William D. Hogg, plaintiff and respondent, against the Washington-Oregon corporation, in which the plaintiff was awarded a verdict for damages in the sum of \$30,000 for personal injuries against the defendant corporation, and reduced the amount of judgment to \$14,000. Justices Benson, Barnett and Harris submitted dissenting opinions.

The whole point rested upon the authority of the supreme court, under the provisions of section 2 of article 7 of the constitution, to review and modify the verdict of a jury in a personal damage case, and the majority opinion, as expressed by Justice McBride, is to the effect that the appellate court has the right to re-try and finally dispose of the case here, both as to the appellant and the respondent, "error in the court below being shown." In support of the findings of error in the court below the majority opinion cites the instructions of the court upon the question of sympathy being permitted to figure in the deliberations of the jury, which might have aroused feelings leading to an extravagant verdict.

"It seems to me to be perfectly apparent that the first and third sentences of section 3 of article 7 of the constitution, as amended in 1910, are in hopeless and irreconcilable conflict," declares Justice Benson, in his dissenting opinion. "Especially is this true, if we undertake, under the powers apparently granted in the third sentence, to determine anew a question of fact, such as the amount to be awarded to a plaintiff in an action for personal injuries. I am opposed to the motion that any court is justified by a process of interpretation or by a skillful refinement of logic in reading into a written law anything which is not obviously there already."

"Whether the first sentence of the section is read as a complete act or is read with the rest of the section it still means but one thing. If the third sentence imports what is contended for in the prevailing opinion in this case, then the first sentence is thereby rendered meaningless. The fault is not with the courts but with the legislative power which, in this instance, is the sovereign citizenry of the state. That there may be instances wherein the third sentence can be usefully and fairly applied without inconsistency, is undoubtedly true, but not in any case in which this court presumes to question the finding of a jury is, in my opinion, far more important as a safeguard against injustice than any benefits to be derived from a speedy disposition of litigation."

"In the case at bar, we should either affirm the judgment of the lower court or remand it for a new trial."

"No fact once tried by a jury shall again be tried by supreme court, unless, and only unless, this court can affirmatively say there is no evidence to support the verdict," says Justice Harris in his dissenting opinion. "If the finding made by the jury is to be set aside then the case should be reversed. If there is to be a new trial it should be by the jury and not by this court."

"It is true that the right of appeal is not guaranteed by the constitution, but a trial by jury is assured by that instrument to every citizen," says Justice Barnett, in his dissenting opinion. "Since the foundation of this state it has been prescribed by the organic law that in all civil cases the right of trial by jury shall remain inviolate. Upon the evidence disclosed by the record it would have been wrong to direct a verdict either way in this case. There is a material dispute which properly should be settled by a jury. The judgment should be reversed."

"There are cases to which the right of trial by jury does not attach, but this is not one of them," Justice Barnett continues in his dissenting opinion. "This will be preserved in its vigor one of the dearest institutions of a free people, for in the language of Mr. Justice McBride in his dissenting opinion in Stevens vs. Myers: 'The right of trial by jury is one so precious, so vital to the preservation of our liberties, that we can well afford

POLITICIANS IN JAIL.

Indianapolis, Ind., April 13.—An even hundred politicians of Perre Haute, headed by Mayor Don Roberts, are in jail here today, following the pronouncement of sentence upon them yesterday by Federal Judge Anderson in the conspiracy cases growing out of the Vigo county election frauds.

It is not likely that any of the men will be able to furnish bond, pending the hearing of their appeals, unless millionaire politicians come to their assistance.

HUERTA REFUSES TO DISCUSS MEXICAN WAR UNTIL FRIDAY

Former Dictator Ponders With Plenty of Ice and Oversized Glasses

New York, April 13.—For a professional casual tourist enjoying himself traveling, General Victoriano Huerta is exceedingly busy studying the Mexican situation.

At least this was the declaration of Abraham Ratner, business associate of the former Mexican dictator and a member of his party here today. Guarded by hall men, hall boys, Ratner and Jose Delgado, his private secretary, Huerta remained in his luxurious suite at the Astoria hotel. He refused to see visitors and when newspaper men became insistent, Ratner finally announced that the general was swamped with correspondence at present, but would discuss Mexico on Friday.

In reply to questions as to just what General Huerta was "having on the side" today, Ratner explained that he was confining himself to port wine. Just then three burly beemen passed, however, bound for the room occupied by the illustrious visitor. They were tugging at a great cake of ice while a waiter followed in their wake carrying a tray of oversized whiskey glasses.

Ratner explained that the correspondence of which he spoke was from American cities, and of course had no bearing upon Mexico. He denied rumors that Huerta was about to join former supporters of General Felix Diaz in any Mexican movement, and also rather weakly denied that the deposed dictator intended to establish a junta there or elsewhere.

Secretary Delgado added the information that Huerta intends to remain in New York until Friday. He may then make a short trip somewhere, possibly to Niagara Falls, but certainly not to San Francisco or any place as near home as New Orleans, Delgado hastened to say.

Ratner denied that Huerta had offered his services to any European nation and made it plain that the general was still keenly interested in Mexico.

Huerta spent today "seeing the sights." To newspaper men he reiterated his peaceful intentions. Carranzista agents insisted, however, that the former dictator was here to stir up more trouble and they predicted that he would center his efforts on Yucatan where differences have recently been threatened between General Carranza and the United States government over oil shipments.

RUSH TO ALASKA BEGINS FROM SEATTLE

Seattle, Wash., April 13.—Alaska's call was answered here today when 250 eager passengers, northbound, left Seattle aboard the steamship Northwest.

Quietly, almost unnoticeably, the throng of people anxious to reach Seaward has grown day by day during the last month, until the number of daily information seekers at the offices of the Alaska railroad commission has reached far past the 1000 mark.

Notice has been posted outside the office door proclaiming to the public that no information regarding employment can be given out here, but fully half the crowd, taking a chance, push on inside, where clerks are detailed answering questions.

"If you were in Seaward you would have as good a chance as the rest of them."

This is the most satisfactory reply the men seeking employment can get from the men on duty. No intimation is obtainable that there is any work needing a force of men at this time anywhere along the new government road.

But the hardy are going anyway. The Northwestern weighed anchor last night with a record passenger list for the year. Many were old "seardogs" happy to be sailing back into the north under any conditions, whether there is work for them at the end of the voyage or not.

Prominent among them was Charles E. Horton, of Seaward, and his partner, Dr. T. P. Barnes, who sailed with a giant mining dredge to be installed at a cost of \$250,000 this summer. Horton is owner and publisher of the Seaward Daily Gateway and other Alaska papers.

The flirt of today is the spinster of tomorrow.

The Weather

Oregon: Fair to night and Wednesday; cooler to night with frost, heavy in exposed places; westerly winds.

FRENCH DRIVEN OUT OF LE PETRIE WOODS IS BERLIN REPORT

Offensive Broken and Allies Slowly Withdraw Troops After Repulse

ASPHYXIATION BOMBS THROWN INTO TRENCHES

Belgians and Germans Clash In Sharp Battles Near Sea Coast Region

Berlin, via wireless to London, April 13.—Their offensive having been broken, the French are now being slowly driven out of the forest of LePetrie, northwest of Pont-a-Mousson, the war office announced here today.

Fierce day and night attacks are being directed against the French lines, it was stated, and the enemy is gradually being forced to yield the ground held in the wooded section. A few feeble French attacks elsewhere in the St. Mihiel triangle have been repulsed.

The swollen streams in Alsace have begun to recede, the French attempted an offensive movement in that region. The attacks were repulsed, however. Another report of the allies using asphyxiation bombs was made in the official announcement today. It was stated that such bombs were thrown into the German trenches east of Sulpis.

The situation on the eastern front was declared unchanged.

Fighting Resumed.

London, April 13.—Severe fighting has been resumed along the southeast of Belgium, Amsterdam dispatches reaching here today tell of determined attempts by the Belgians to drive the Germans from the village of Dreil Grachten in the Yser region. This place has already changed hands twice and the present attack of the Belgians is resulting in extremely severe clashes. Street fighting is reported in progress. The Belgians and Germans are fighting from house to house while the Belgian shell fire upon the German positions about the village is becoming increasingly violent.

Belgian Towns Visited.

Berlin, via wireless to Sayville, April 13.—German aviators have dropped bombs upon the Belgian towns of Poperinghe, Hazebrouck and Kosy, occupied by the British, it was announced today. The extent of the damage inflicted was not known.

The French report that allied aviators dropped 150 bombs upon the railway station at Brugges was officially denied. Only 11 bombs were dropped, it was stated, and no damage was done.

Bombs Hit Hamburg.

London, April 13.—French aviators dropped bombs upon Hamburg, Germany, yesterday, setting the barracks on fire, according to an unofficial report here today.

Such an attack as reported would mean that the French aviators flew more than 375 miles from the nearest point in the French lines to Hamburg. Such a raid is unparalleled in the history of aviation. If the report is true, and the French aeroplanes were over Hamburg, they might have been within striking distance of Berlin.

Reports of the bombardment reached London from Kolding, Denmark. Travelers arriving there declared the raid occurred early yesterday. The French aviators, it was asserted, dropped two bombs upon the barracks, which exploded, wounded several soldiers and fired their quarters. The aviators escaped.

300 MINERS CRUSHED BENEATH TONS OF EARTH AND WATER

Japanese Mines Under the Sea Caved In By Submarine Earthquake

Tokio, April 13.—Crushed beneath tons of earth and the waters of the Japan sea, at least 300 coolies were drowned in the Ube coal mine near the Shimonoeki strait today. The men were trapped when the roofs of the subterranean galleries of the mine collapsed.

This is the first accident of its kind in the history of the world and there is slight hope of rescue, or even of the recovery of the bodies. It is considered possible that the coolies may have rushed into the watertight chambers constructed as a precaution against such an accident as occurred today, but there is little hope. Gangs of workmen are laboring at top speed to reach the land entrances of these chambers that it may be definitely determined whether any of the coolies escaped.

In the Ube mine, engineers worked out a scheme of penetrating the rich deposits of coal beneath the sea floor. From the main shaft near shore they drove long, narrow galleries into the rock beneath the sea. Several hundred miners were employed day and night, working more than a hundred feet beneath the floor of the ocean. Bamboo ladders connected the different subterranean galleries. But to reach the galleries it was necessary to scramble up an endless chain of these ladders. For that reason the mine officials have abandoned all hope of rescue.

The disaster today occurred shortly after the day shift had entered the mine. The sea floor suddenly gave way, presumably shaken by an earthquake. The water rushed in and the 300 men in the mine were trapped.

The government had ordered the Honjo Island authorities to aid in the work of rescue.

Von Hindenburg Laughs At British Army

Berlin, via wireless to Sayville, L. I., April 13.—Field Marshal von Hindenburg, Germany's military genius, directing operations in the east, has no fear for his country from Lord Kitchener's new British army.

Kitchener has a million soldiers, but no real army," the field marshal told correspondents of neutral nations. "He has just a uniformed crowd. The officers and non-commissioned officers lack the experience of the Germans who have generations of military training behind them."

Von Hindenburg praised the Russians opposed to him in Poland as good fighters, but decried their bravery was in consequence of blind obedience to commands and not in response to individual intelligence such as the Germans displayed. The Russians are good trench builders, he declared, outside of the trenches they are badly.

"We have observed unfailing signs that the Russians are becoming exhausted," Von Hindenburg asserted. "Their munitions are being terribly wasted."

"The manner in which they fight indicates that the war cannot last long now. No one need fear the superior numbers of the Russians. At Tannenberg they were three times as strong as the Germans, but we annihilated them."

German Trenches Taken.

Paris, April 13.—The capture of several German trenches east of Berzy-aubain and near Soissons was reported in the official announcement from the war office today, but the second offensive which the French were expected to launch against the German lines in the St. Mihiel region has not been attempted.

The redistribution of the French forces in the region veritably soaked with blood in the desperate fighting of last week continues, it was stated. Paris is confident, however, that the next drive of the French will throw the Germans back toward Metz upon their line of communications.

CLAIM BIG GROWERS DRIVING OUT LESSER

Executive Committee Of Hop Growers' Association Declare Market Is Being Manipulated to "Freeze Out" Small Grower and Secure Monopoly For Big Factors—Organization Movement Is Flourishing

That there is now and has been for the past few years a steadily growing effort, if not an actual agreement and definite understanding, on the part of the big hop growers and grower-dealers to gradually and effectively "freeze" the smaller grower out of the business, by a systematic manipulation of the market during dull seasons, and to eventually establish and maintain a monopoly of the hop industry of the state of Oregon, if not the entire Pacific Northwest, is the firm belief of the members of the executive committee of the Oregon Hop Growers' association.

Furthermore, they regard the recently developed campaign of speculation regarding the effect of the European war and the prohibition agitation among the warring nations of Europe, coupled with the pessimistic reports that the bottom has dropped out of the market and the prospect for the future is decidedly gloomy, as emanating from

(Continued on page two)